

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JIMMY ANTHONY

PLAINTIFF

VS.

CAUSE NO.: 3:23-cv-132-KHJ-MTP

**JONATHON WELKER,
JACOB LANG, AND
CITY OF PEARL, MISSISSIPPI**

DEFENDANTS

Jury trial demanded.

COMPLAINT

Comes now, Plaintiff, by and through the undersigned counsel, and files this complaint for damages against the above-named defendants, pursuant to 42 U.S.C. §§ 1983 and 1988, and states to the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter as at least one count arises under federal law, namely, 42 U.S.C. §§ 1983 and 1988. Jurisdiction over such a cause of action is proper under 28 U.S.C. §§ 1331 and 1343(a).

2. Venue is proper in the Southern District of Mississippi, Northern Division, pursuant to 28 U.S.C. § 1391, as the events described herein took place within Rankin County, Mississippi, which lies within this judicial district and division.

II. PARTIES

3. Plaintiff Jimmy Anthony is an adult resident of Rankin County, Mississippi.

4. Defendant Jonathon Welker, upon information and belief, is an adult resident of Rankin County, Mississippi. At all times relevant hereto, Welker was acting under color of state law as a police officer for the City of Pearl, Mississippi, Police Department.

5. Defendant Jacob Lang, upon information and belief, is an adult resident of Rankin County, Mississippi. At all times relevant hereto, Lang was acting under color of state law as a police officer for the City of Pearl, Mississippi, Police Department.

6. Defendant City of Pearl, Mississippi, is a municipality located within the State of Mississippi. At all times relevant hereto, Defendant City of Pearl was responsible for operation of the City of Pearl Police Department.

III. FACTUAL ALLEGATIONS

7. Plaintiff Jimmy Anthony was arrested by officers of the City of Pearl, Mississippi, Police Department at his home in Rankin County on charges of domestic violence on or about April 29 or April 30, 2022.

8. Following his arrest, Plaintiff was taken by Pearl police officers from his home to the Pearl Police Department.

9. Once at the Pearl Police Department, Plaintiff was assaulted by several officers.

10. Defendant Jacob Lang forcefully struck Plaintiff's head against a brick wall for no justifiable reason whatsoever.

11. Defendant Jonathon Welker took Plaintiff into a bathroom and repeatedly punched Plaintiff in his chest with a closed fist.

12. Plaintiff was offering no resistance to Defendant Welker and Defendant Welker's actions were completely without provocation or justification.

13. Plaintiff was transported from the Pearl Police Department to the Rankin County Jail.

14. While Plaintiff was in their custody, Rankin County Jail personnel discovered that Plaintiff was in medical distress related to the physical assault which had taken place at the Pearl Police Department.

15. Plaintiff was transported by ambulance from the Rankin County Jail to Merit Health in Rankin County, Mississippi.

16. After evaluation at Merit Health, Plaintiff was transferred to the University of Mississippi Medical Center at Jackson for a higher level of care due to his injuries.

17. Plaintiff was suffering from hemothorax and mediastinal hematoma due to the trauma suffered at the hands of Defendant Welker.

IV. CAUSES OF ACTION

18. The actions of Defendants Welker and Lang were objectively unreasonable in light of clearly established law. At all times relevant hereto, Defendants Welker and Lang were acting under color of state law.

19. The amount of force used against Plaintiff was unreasonable, unnecessary, and excessive, evidencing sadistic intention and violating Plaintiff's right to be free from the use of excessive force under the Fourth and Fourteenth Amendments to the United States Constitution.

20. Under 42 U.S.C. § 1983, Plaintiff is entitled to recover damages resulting from the violation of Plaintiff's clearly established constitutional rights as detailed above.

21. Under 42 U.S.C. § 1988, Plaintiff is entitled to recover reasonable attorney fees, costs, and expenses accumulated during the prosecution of this action.

22. Further, Plaintiff is entitled to recover punitive damages against Defendants Welker and Lang for their wrongful, willful, gross, and oppressive conduct.

23. Defendant City of Pearl, Mississippi, has a pattern, policy, custom, and/or practice of allowing or encouraging its officers to commit acts of excessive force without fear of disciplinary action.

24. Defendant City of Pearl, Mississippi, was negligent in the hiring, training, and supervision of Defendants Welker and Lang.

25. The failures of Defendant City of Pearl, Mississippi, as described herein above, acted as a moving force behind the constitutional violations suffered by Plaintiff.

V. DAMAGES

26. As a direct and proximate result of the acts and omissions complained of herein above, Plaintiff suffered, continues to suffer, and will continue so suffer in the future, medical expenses, physical injuries, pain, suffering, loss of enjoyment of life, emotional distress, mental trauma, fear, embarrassment, humiliation, damages to reputation, incidental out of pocket expenses, lost wages and other damages to be shown at trial of this cause.

VI. REQUEST FOR RELIEF

Wherefore, premises considered, Plaintiff respectfully requests process to issue, a trial by jury on all counts herein, judgment against all defendants for compensatory damages, attorney fees, costs and interest, judgment against Defendants Welker and Lang for punitive damages, and any further relief to which Plaintiff may be entitled under the circumstances.

Respectfully submitted,
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